

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

Civil Action No: 1:15-CV-274

SYNGENTA CROP PROTECTION, LLC,)

Plaintiff,)

v.)

WILLOWOOD, LLC, WILLOWOOD USA,)
LLC, WILLOWOOD AZOXYSTROBIN,)
LLC, and WILLOWOOD LIMITED,)

Defendants.)

**WILLOWOOD'S CONSENT
MOTION REQUESTING THAT
THE COURT ACCEPT PAYMENT
OF SUPERSEDEAS APPEAL BOND**

Alan W. Duncan
N.C. State Bar No. 8736
L. Cooper Harrell
N.C. State Bar No. 27875
MULLINS DUNCAN HARRELL &
RUSSELL PLLC
300 N. Greene Street, Suite 2000
Greensboro, NC 27401
Telephone: (336) 645-3320
Facsimile: (336) 645-3330
aduncan@mullinsduncan.com
charrell@mullinsduncan.com

Barry S. Neuman
WHITEFORD TAYLOR PRESTON LLP
1800 M Street, NW Suite 450N
Washington, DC 20036
Telephone: (202) 659-6761
Facsimile: (202) 327-6151
bneuman@wtplaw.com

Steven E. Tiller
Peter J. Davis
WHITEFORD TAYLOR PRESTON LLP
Seven Saint Paul Street, Suite 1300
Baltimore, Maryland 21202-1626
Telephone: (410) 347-9425
Facsimile: (410) 223-4325
stiller@wtplaw.com
pdavis@wtplaw.com

Pursuant to Rule 62(d) of the Federal Rules of Civil Procedure and Local Rules 65.1.1 and 67.1, Defendants Willowood, LLC and Willowood, USA, LLC (“Willowood”), by their undersigned counsel, respectfully ask the Court to accept payment of a supersedeas appeal bond in the above-captioned matter. In support of this request, Willowood shows the following:

1. On November 20, 2017, following a jury trial, the Court entered its Final Judgment in this matter [Dkt. 354].

2. The Final Judgment provides for, among other things, a monetary recovery in favor of Plaintiff Syngenta Crop Protection LLC (“Syngenta”) in the amount of \$976,500.00, plus \$48,000 in pre-judgment interest.

3. The total amount of the monetary recovery stated in the Final Judgment is \$1,024,500.00.

4. This matter currently is on appeal to the United States Court of Appeals for the Federal Circuit.

5. Willowood wishes to pay into the Court a supersedeas appeal bond, by cash or certified check, pursuant to Rule 62(d) of the Federal Rules of Civil Procedure.

6. Pursuant to Local Rules 65.1.1 and 67.1, any and all bonds must be approved by the Court before funds may be deposited.

7. Willowood proposes a bond, to be paid in cash or by certified check, in the amount of the recovery stated in the Final Judgment (\$1,024,500.00), plus an additional amount to represent calculated post-judgment interest.

8. Willowood further proposes that this additional amount be calculated by applying post-judgment interest through the end of the 2018 calendar year, which is a reasonable and good-faith estimate of the likely duration of the appeal to the Federal Circuit.

9. Using North Carolina's statutory interest rate of 8%, applied through the end of 2018, Willowood proposes applying an additional amount to the bond to represent post-judgment interest in the amount of \$91,166.47.

10. The total recovery stated in the Final Judgment, plus the additional amount calculated above, equals \$1,115,666.47.

11. Willowood therefore proposes a supersedeas appeal bond, to be paid in cash or by certified check, in the amount of \$1,115,666.47.

12. Pursuant to Local Rule 67.1, Willowood respectfully requests that the Court hold the bond funds in an interest-bearing account or instrument under the Court Registry Investment System.

13. Willowood conferred with counsel for Syngenta regarding this motion. Syngenta consents to Willowood's request that the Court accept the proposed supersedeas appeal bond.

14. Willowood respectfully reserves all rights regarding the final calculation of post-judgment interest, including whether Syngenta ultimately is entitled to recover post-judgment interest following the appeal to the Federal Circuit.

WHEREFORE, for the reasons set forth herein, Willowood, LLC and Willowood, U.S.A., LLC respectfully ask the Court to approve and accept a supersedeas appeal bond in this matter, to be paid in cash or by certified check, in the amount of \$1,115,666.47.

This the 6th day of June, 2018.

/s/ L. Cooper Harrell

Alan W. Duncan
N.C. State Bar No. 8736
L. Cooper Harrell
N.C. State Bar No. 27875
MULLINS DUNCAN HARRELL &
RUSSELL PLLC
300 North Greene Street, Suite 2000
Greensboro, NC 27401
Telephone: 336-645-3320
Facsimile: 336-645-3330
aduncan@mullinsduncan.com
charrell@mullinsduncan.com

/s/ Barry S. Neuman

Barry S. Neuman
WHITEFORD TAYLOR PRESTON LLP
1800 M Street NW, Suite 450N
Washington, DC 20036
Telephone: 202.659.6761
Facsimile: 202.327.6151
bneuman@wtplaw.com

/s/ Steven E. Tiller

Steven E. Tiller

Peter J. Davis

WHITEFORD TAYLOR PRESTON LLP

7 Saint Paul Street

Baltimore, MD 21202

Telephone: 410.347.8738

Facsimile: 410.223.4304

stiller@wtplaw.com

pdavis@wtplaw.com

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record in this action.

This the 6th day of June, 2018.

/s/ L. Cooper Harrell

L. Cooper Harrell